

Notice of Allowability

Application No.

09/845,062

Examiner

Ly T TRAN

Applicant(s)

VEGA ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 7/26/04.
2. ☒ The allowed claim(s) is/are 1-15,17,19,20 and 22-29.
3. ☒ The drawings filed on 27 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Stephen D. Meier
Primary Examiner

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Lippman on 10/5/06.

In claims:

Claim 14; line 15: please insert "and arranged to pivot relative to the shuttle" after "shuttle"

Claim 17; line 2: please delete "16" and insert "5"; in line 5: please delete "pens and insert "at least one printhead"

Claim 23; line 6: please insert "substantially rectilinearly" after "reciprocate"

Claim 25; line 16: please insert "drops" after "retained"

Allowable Subject Matter

2. Claims 1-15, 17, 19, 20 and 22-29 are allowed.

The following is an examiner's statement of reasons for allowance:

- The primary reason for the allowance of claims 1, 4 and 27 is the inclusion of the limitation of an ink jet device comprising a generally planar shelf

mounted for rocking motion between first and second position. It is limitation found in each claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.

- The primary reason for the allowance of claims 2, 3, 5, 6, 17, 19, 20, 28 is the inclusion of the limitation of an ink jet device comprising a substantially non-cylindrical temporary spittoon arranged to reciprocate between first and second position. It is limitation found in each claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.
- The primary reason for the allowance of claims 7 and 8 is the inclusion of the limitation of an ink jet device comprising the temporary spittoon is rotatably mounted to the shuttle and arranged to pivot relative to the shuttle between the first and second position. These limitations found in each claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.
- The primary reason for the allowance of claims 9-13 is the inclusion of the limitation of an ink jet device comprising a substantially non-cylindrical temporary spittoon arranged to move along a substantially linear path between first and second position. It is limitation found in each claims, as it is claimed in the combination, that has not been found, taught, or

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suggested by the prior art of record which makes these claims allowable over the prior art.

- The primary reason for the allowance of claims 14 and 15 is the inclusion of the limitation of an ink jet device comprising a temporary spittoon is mounted on a shuttle and arranged to pivot relative to the shuttle, the shuttle being arranged to move the temporary spittoon between first and second position. These limitations found in each claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.
- The primary reason for the allowance of claims 22 and 29 is the inclusion of the limitation of an ink jet device comprising a substantially non-cylindrical spitting shelf, rockable in reciprocation along a substantially linear path between first and second position. These limitation found in each claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.
- The primary reason for the allowance of claim 23 is the inclusion of the limitation of an ink jet device comprising a temporary ink receiver arranged and powered to reciprocation substantially rectilinearly between first and second position. These limitation found in each claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.

- The primary reason for the allowance of claim 24 is the inclusion of the limitation of an ink jet device comprising a reciprocate shuttle arranged to move along a generally rectilinearly path between first and second position. These limitation found in each claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.
- The primary reason for the allowance of claim 25 is the inclusion of the limitation of an ink jet print device comprising translating the spitting surface to a second position relatively more remote from the print head, allowing clearance for the print head wiping or capping, and at the second position inclining the planar spitting surface to discharge the retained into the spittoon. These limitation found in each claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.
- The primary reason for the allowance of claim 26 is the inclusion of the limitation of an ink jet device comprising moving the spitting surface along a substantially rectilinearly to a second position such that the ejected drops may be transferred to the spittoon. It is limitation found in each claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT

October 6, 2004


Stephen D. Meier
Primary Examiner